

ROGER DAVIS #1005750
SOUTHERN DESERT CORR. CTR.
P.O. BOX 208
INDIAN SPRINGS, NV 89070

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
(LAS VEGAS)

ROGER DAVIS,
PETITIONER,

- VS -

CASE No. 2:10-cv-2116-GMN-LRL

BRIAN WILLIAMS, et al.,
RESPONDENTS. /

"EX PARTE" MOTION FOR
ENLARGEMENT OF TIME
FRCP 6(b)(1), (d)

COMES NOW, PETITIONER, ROGER DAVIS, PRO SE, AND
HEREBY MOVES THIS COURT FOR ITS ORDER GRANTING
PETITIONER AN ENLARGEMENT OF TIME IN THE AMOUNT
OF FORTY-FIVE (45) DAYS WITHIN WHICH PETITIONER
MAY HAVE TO EFFECTUATE AND FILE AN OPPOSITION
TO THE RESPONDENTS' MOTION TO DISMISS HERETOFORE
FILED IN THIS COURT ON MARCH 18, 2011.

THIS MOTION IS MADE EX PARTE AND IS BASED
FURTHER UPON THE POINTS AND AUTHORITIES INCORPORATED
HEREIN, AS WELL AS ALL MATTERS ON FILE IN THIS CASE
AND MATTERS THIS COURT MAY REQUIRE FURTHER.

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POINTS AND AUTHORITIES

1) PETITIONER IS PROCEEDING WITH THE ABOVE-ENTITLED ACTION IN "PRO SE" AND THEREFORE HAS NOT HAD, NOR DOES HE NOW HAVE THE PRIVILEGE OF AN ATTORNEY, NOR ADEQUATELY "EFFECTIVE" JAIL-HOUSE ASSISTANCE FOR THAT MATTER.

2) THE PRISON LAW LIBRARY DOES NOT OFFER TO INMATES THE ADEQUATE TIME NECESSARY TO RESEARCH COMPLICATED MATTERS OF LAW AND RULE, E.G., THE PRISON LAW LIBRARY IS OPEN AND AVAILABLE TO INMATES ONLY TWO (2) DAYS WEEKLY, AND FOR ABOUT AN HOUR AND ONE-HALF (1½ HRS) BOTH PERIODS, PER HOUSING UNIT. PETITIONER DOES NOT, THEREFORE, HAVE THE "MEANINGFUL AND UNFETTERED ACCESS" TO THE LEGAL PROCESS, AND MUST HAVE A SERIOUS AMOUNT OF TIME WITHIN WHICH TO RESEARCH HIS CASE, DRAFT, WRITE AND ATTEMPT TO CONSULT WITH OTHER LAYMEN TWO (2) DAYS PER WEEK. FOURTEEN (14) DAYS IS NOT NEAR ENOUGH TIME TO PERUSE PETITIONER'S CASE FILE AND RESEARCH AN OPPOSITION... TO RESPONDENTS' MOTION TO DISMISS. ALSO, PETITIONER MUST FIND SOME OTHER INMATE TO HAND-WRITE SUCH AN OPPOSITION..., SINCE PETITIONER'S PENMANSHIP IS VERY POOR.

3) RULE 6(b)(1) OF FRCP ALLOWS A PARTY TO MOVE THE COURT FOR AN ORDER ENLARGING THE TIME WITHIN WHICH A PARTY MAY HAVE TO DO AN ACT REQUIRED WITHIN A SPECIFIED TIME


PG. 3.

IF THE REQUEST IS MADE BEFORE THE EXPIRATION OF THE PERIOD ORIGINALLY PRESCRIBED BY A PREVIOUS ORDER, AND WITHOUT NOTICE. SEE, "MINUTE ORDER IN CHAMBERS" FILED MARCH 18, 2011, BY JUDGE GLORIA M. NAVARRO.

PURSUANT TO FRCP 6(d), THIS MAY BE HEARD "EX PARTE", AS IT IS HEREINAFORE ENTITLED, AND DOES NOT REQUIRE NOTICE OF HEARING.

DATED THIS 24TH DAY OF MARCH, 2011.

RESPECTFULLY SUBMITTED,


ROGER DAVIS
PETITIONER PRO SE

"ORDER:"

IT IS HEREBY ORDERED, THAT THE PETITIONER, ROGER DAVIS, PRO SE, SHALL HAVE 30 DAYS ENLARGEMENT OF TIME WITHIN WHICH TO FILE HIS "OPPOSITION" TO RESPONDENTS' "MOTION TO DISMISS" FILED WITH THIS COURT ON MARCH 18, 2011.

THE DUE DATE FOR PETITIONER'S OPPOSITION TO BE FILED WITH THE CLERK OF THIS COURT IS NOW ON THE 18th day of April, 2011.

IT IS SO ORDERED FURTHER, THAT THE CLERK OF COURT SHALL PROMPTLY NOTIFY RESPONDENTS OF THE NEW DUE DATE FOR PETITIONER'S OPPOSITION.

DATED this 29th day of March, 2011.


Gloria M. Navarro
United States District Judge